IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.436 OF 2007

Shri Vishwas Baburao Pathak .....Petitioner.

V/s

Shri Rafiq-Ahmed Rasul Patel
and anr. .....Respondents.

Mr. M.R. Deshpande for the Petitioner.

Mr. Y.M. Nakhwa, APP for State.

CORAM: V.M. KANADE, J.
DATE : 7th August, 2007

P.C.:

1. Heard the learned Counsel for the petitioner.

2. Petitioner is challenging the order passed by the Judicial Magistrate, First Class whereby his application for staying the criminal proceedings was rejected.

3. It is the case of the Petitioner that he had filed civil suit against the complainant wherein he had sought relief of declaration and injunction in respect of the Memorandum of Understanding which was executed between the parties. In the meantime, Respondent No.1 - complainant filed criminal case on account of dishonour of cheque which was issued by the petitioner in favour of the complainant. It is submitted by the learned Counsel appearing on behalf of the petitioner

that if the criminal trial is not stayed, grave prejudice would be caused to the petitioner. He submitted that the said cheque which was issued by the petitioner was without consideration and there was no legal liability of making payment of the amount mentioned in the said cheque.

4. It is not possible to accept the submission made by the learned Counsel for the petitioner. The application filed by the petitioner was rejected by passing a well reasoned order. I have perused the said order. In my view there is no legal infirmity in the order passed by the trial court. Petition is, therefore, dismissed.

(V. M. KANADE, J.)